

YOUTH SERVICES POLICY

Title: Receipt, Security and Disbursement of Funds Collected from Youth - Supervision Fees and Restitution	Type: D. Community Based Services Sub Type: 10. Supervision Number: D.10.5
Page 1 of 4	
References: La. R.S. 15:921, La. Children's Code, Arts. 781.1, 897 B, 899 B; and ACA Standards 2-7065, 2-7142 (Juvenile Probation and Aftercare Services), 2-CO-1B-06 (Administration of Correctional Agencies); YS Policy No. A.3.8 "Budget and Fiscal Management Activities"	
STATUS: Approved	
Approved By: <i>William A. Sommers, Deputy Secretary</i>	Date of Approval: 06/30/2022

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish policy and broad procedures regarding processes for documentation of collection and/or disbursement of court ordered supervision fees and restitution.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Probation and Parole Program Director, Regional Directors, Regional Managers, and Probation and Parole Officers/Juvenile (PPO/J).

IV. DEFINITIONS:

Department of Public Safety/Public Safety Services/Office of Management and Finance (PSS/OMF), Collections Unit – The designated agency/department charged with handling the collection and processing of supervision fees.

Financially Responsible Person (FRP) – A youth’s legally responsible parent, a natural or biological parent, an adoptive parent, or legally appointed tutor.

Juvenile Electronic Tracking System (JETS) - The centralized database used to track all youth under OJJ supervision or custody, and to record youth case record activity.

Probation and Parole Officer/Juvenile (PPO/J) - PPO/J's assist youth and families in locating, accessing and coordinating networks of support to address needs. PPO/J's shall coordinate case management services in accordance with need assessments, as well as monitor compliance with the services provided and court ordered requirements while the youth is in the custody or under supervision of YS.

Restitution - A legal action of repayment or compensation to a victim.

Supervision Fee - Fee ordered by the court to be paid to OJJ by the youth and their financially responsible person (FRP).

V. POLICY:

It is the Deputy Secretary's policy to account for the receipt, security and disbursement of funds collected from youth in keeping with sound accounting procedures and in accordance with State law and YS Policy No. A.3.8.

The court shall be encouraged to impose a fee for supervision of youth on probation, based on the financially responsible person's (FRP) ability to pay. The amount of the fee may range from \$10.00 to \$100.00 per month, as determined by the court. The Probation Order and/or the Conditions of Supervision must specify the amount of supervision fee ordered.

From July 1, 2021 until June 30, 2026, with the exception of enforcement of fines and restitution in juvenile delinquency cases, all other provisions of this policy as it relates to the collection of supervision fees are not applicable.

VI. PROCEDURES:

A. Because a court may order OJJ to collect/receive and disburse restitution, fines, court costs and other types of payments from youth/FRP, Regional Managers shall ensure that the following control specifications are consistent:

1. Method by which the payments are collected or received;
2. Who is authorized to accept payment(s);
3. Acceptable payment type (certified funds only);
4. Security arrangements for the funds (including those received outside the office);
5. Disbursement of the funds to the payee via the district attorney's office after the payment has been recorded in the Juvenile Electronic Tracking System (JETS) by the regional office; and
6. Accounting and record keeping system for all payments received and disbursed.

The Court shall be made aware of all payments received for the purpose of restitution, fines, court costs and any other types of payments from youth/parent/guardian as a result of a collection by YS due to a court order.

- B. When supervision fees are ordered by the court, the Probation Order or Conditions of Supervision must be signed by the judge and specify the supervision fee amount ordered to be paid by the youth/FRP.

The assigned PPO/J shall complete the "Agreement of Payment of Supervision Fees" form in JETS and secure the youth/FRP signature at intake for new cases or within 14 days following the court's order to pay Supervision Fees on subsequent adjudications. The PPO/J shall create a Collections Accounts in JETS, and forward the signed "Agreement of Payment" form with the signed Probation Order to the PSS/OMF Collections Unit.

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In the event the youth and/or the FRP refuse to sign the agreement, the court shall be notified immediately.

- C. Supervision fees are due from the FRP on the first of each month, beginning the month after the fees were ordered. Self-addressed envelopes, including the PSS/OMF Collections Unit address, shall be provided to the FRP at intake or when requested by the FRP.

All payments of supervision fees ordered by the court shall be made directly to the PSS/OMF Collections Unit in the form of money orders or cashier's checks. The name of the youth and client identification number must be clearly noted on the cashier's check or money order. Cash or altered money orders shall not be accepted.

- D. Supervision fee payments delivered to the Regional Office shall be forwarded to PSS/OMF Collections Unit within three (3) business days. All payments retained overnight shall be secured in a locked location designated by the Regional Manager.
- E. The assigned PPO/J is responsible for reviewing the status of payments. The PPO/J shall contact the FRP regarding the delinquent payment. If the family has the ability to pay, they should be reminded that they can be held in contempt of court for refusing to pay the fee. If the FRP's financial status has changed and they are no longer able to pay the fee, the PPO/J with approval from his/her supervisor, will notify the court and request a modification.

The court will determine any action to be taken. The court may suspend payment originally ordered. If the court does suspend or otherwise modifies the payment that was originally order, the PPO/J shall complete the "Supervision Fee Modification Letter" in JETS and forward to the PSS/OMF Collections Unit with a copy of the judgment.

- F. The PPO/J is responsible for keeping the PSS/OMF Collections Unit advised of any changes in the youth's obligation to pay supervision fees.

If a youth is currently being assessed Probation or Parole Supervision fees at the time he/she is placed in OJJ's custody, the collection of all supervision fees shall be suspended. The PPO/J shall complete the "Supervision Fee Modification Letter" in JETS to include the Petition and Account Number for each collection account in which probation fees are being collected. The "Supervision Fee Modification Letter" shall be sent to the PSS/OMF Collections Unit within 14 days of the youth being placed in the custody of OJJ.

When the youth is released from custody, the PPO/J shall complete an "Agreement of Payment of Supervision Fees" form in JETS and secure the youth/FRP signature at intake for the collection of Supervision Fees on each open Petition where there is a court order for Supervision Fees. The PPO/J shall create a Collection Account in JETS, and forward the signed "Agreement of Payment" form with the Probation Order to the PSS/OMF Collections Unit.

When a youth is granted an early release from supervision, the PPO/J shall complete the "Supervision Fee Modification Letter" in JETS and forward to the PSS/OMF Collections Unit within 14 days of the case expiring.

- G. Youth whose supervision is transferred to other states under terms of the Interstate Compact for Juveniles must continue to pay any court ordered fee unless the court suspends the obligation to pay. The receiving state will not be required to collect supervision fees from Louisiana youth, but will urge the youth to make payments directly to Louisiana and will honor warrants should the youth fail to pay.

Reciprocally, Louisiana will follow same procedures in regard to youth supervised in out-of-state for sending states.

- H. At the end of each calendar year, JETS information from any accounts with outstanding balances due (supervision fees, secure care assessments, and non-secure care assessments only) will be forwarded to the La. Department of Revenue (LDR), as of the date of submission, for collection purposes.